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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HAWKINS, CHERYL N

ART UNIT

PAPER NUMBER

1734

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/546,287	<b>Applicant(s)</b> GRAF ET AL.
	<b>Examiner</b> Cheryl N Hawkins	<b>Art Unit</b> 1734

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 01 August 2002 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) 4-6 and 13-20 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3 and 7-12 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 10 April 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6)  Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, Claims 1-3 and 7-12 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 and 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to whether the methods recited in Claims 1 and 7 are directed to (1) a method for the production of extra-wide veneers which includes a additional method for the production of endless laminated wood boards or (2) a method which is solely concerned with the production of extra-wide veneers. For the purposes of examination, it will be assumed that Claims 1-3 and 7-12 are directed to a method for the product of extra-wide veneer boards which includes the production of endless laminated wood boards.

4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. In line 7 of Claim 1, it is unclear as to what the applicant means by “laminated wood boards”. For the purposes of examination, it will be assumed that the laminated wood boards are meant to refer to veneer boards.

5. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 8 of Claim 1, it is unclear as what the applicant means by “laminated wood boards”. For the purposes of examination, it will be assumed that the laminated wood boards are meant to refer to veneers.

6. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 9 of Claim 1, it is unclear as what the applicant means by “laminated wood board”. For the purposes of examination, it will be assumed that the laminated wood boards are meant to refer to veneer boards.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Schulte (US 4,565,597). Schulte discloses a method for the production of extra-wide veneers in which oncoming veneers with a producible width and grain running transversely are combined one behind the other into a chain of veneers; stitched together at their abutting edges or adhered together with adhesive tape; and extra-wide veneer boards are cut off in the direction of the grain such that the abutting edges of the veneers are distributed irregularly over the width of the veneer boards (Figures 4 and 5; column 7, lines 11-25; column 5, lines 25-29; column 8, lines 8-10).

9. Claims 7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulte (US 4,565,597). Schulte discloses a method for producing extra-wide veneer boards including the steps of combining oncoming veneers with a producible width and grain running transversely one behind the other into a continuous chain of veneers; fastening together abutting edges of the oncoming veneers to form seams; and repetitively cutting the continuous veneer chain in a direction of the grain to form extra-wide veneer boards with a given extra width (Figure 5, feeding device 14, transverse joining device 15, cutting device 17; column 7, lines 11-25; column 5, lines 25-29).

As to Claims 10 and 11, Schulte discloses a method in which the veneer strips are fastened in a conventional manner, which includes sewing or by application of an adhesive strip (column 7, lines 14-23; column 8, lines 8-10).

As to Claim 12, the extra wide veneer boards are cut off such that the seams are distributed irregularly over the width of the extra-wide veneer board (Figures 4 and 5).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte (US 4,565,597) as applied to claim 1 above, and further in view of Biefeldt et al. (US 5,895,546). It is well known and conventional in the veneer manufacturing art, as disclosed by Biefeldt et al. (abstract; Figures 1, 11, and 12; column 6, lines 4-19 and 34-51) to join veneer boards to form endless laminated boards. Schulte discloses that the abutting edges of the oncoming veneers are optionally treated (column 7, lines 14-23). It is noted that one of ordinary skill in the art would appreciate that this optional treatment would include trimming. Schulte does not disclose trimming the abutting edges of veneer boards that form the covering layers of an endless laminated wood board. When using the extra-wide veneer boards of Schulte as noted above to produce an endless laminated wood board, it would have been obvious to one of ordinary skill in the art at the time of the invention to trim the abutting edges of the veneer boards that form the top and bottom cover layers to provide the endless laminated wood board with an aesthetically pleasing exterior. When using the extra-wide veneer boards of Schulte as noted above to produce an endless laminated wood board, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the veneer boards forming the intermediate layers with untrimmed abutting edges.

12. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte (US 4, 565,597) as applied to claim 7 above, and further in view of Biefeldt et al. (US 5,895,546). Schulte does not disclose gluing and pressing a chain of veneers combined from the extra-wide veneer boards to form an endless laminated wood board. Biefeldt et al. discloses a method which includes pressing and gluing a chain of veneers combined from veneer boards one over the other and behind one another in a plurality of layers to form an endless laminated wood board (abstract; Figures 1, 11, and 12; column 6, lines 4-19 and 34-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the extra-wide veneer boards of Schulte in the method of Biefeldt et al. to produce an endless laminated wood board for the production of various structural elements. It is noted that when layering the extra-wide veneer boards of Schulte as disclosed by the method of Biefeldt et al. the seams of the boards would not be in line with one another.

As to Claim 9, Schulte discloses a method in which the abutting edges of the oncoming veneers are optionally treated (column 7, lines 14-23). It is noted that one of ordinary skill in the art would appreciate that this optional treatment would include trimming. Schulte does not disclose trimming the abutting edges of veneer boards that form top and bottom cover layers of an endless laminated wood board. When using the extra-wide veneer boards of Schulte as noted above to produce an endless laminated wood board, it would have been obvious to one of ordinary skill in the art at the time of the invention to trim the abutting edges of the veneer boards that form the top and bottom cover layers to provide the endless laminated wood board with an aesthetically pleasing exterior.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (703) 306-0941. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where the application or proceeding is assigned is (703) 872-9310 for regular communications or (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

Cheryl N. Hawkins

*Cheryl N. Hawkins*

September 30, 2002

*R. Crispino*

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